

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - -x

UNITED STATES OF AMERICA :

- against - :

JUSTIN WHITE, :

Defendant. :

- - - - -x

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 8/20/09

MEMORANDUM DECISION

09 Civ. 6507 (DC)

07 Cr. 848 (DC)

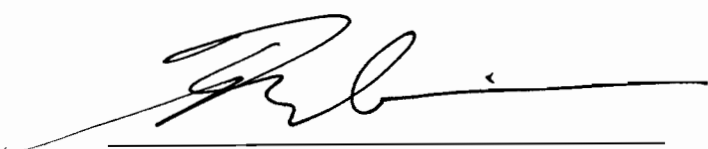
CHIN, District Judge

Pro se petitioner Justin White moves to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. § 2255 on the ground that he was denied effective assistance of counsel in violation of the Sixth Amendment. White alleges that he asked his counsel to file an appeal after I sentenced him on September 15, 2008, but counsel refused.

IT IS HEREBY ORDERED that Mitchell Golub, Esq. submit to the Court an affidavit addressing petitioner's assertion. If Mr. Golub does not dispute the allegations, he shall explain the circumstances. If he does dispute petitioner's assertions, he shall provide his recollections of whatever discussion there was about appealing. The affidavit shall be submitted to the Court by September 11, 2009, and copies shall be sent to Mr. White and the Government. Mr. White is deemed to have waived the attorney-client privilege to this extent only.

SO ORDERED.

Dated: New York, New York
August 20, 2009


DENNY CHIN
United States District Judge